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OFFICE OF PETITIONS

In re Application of
Renzi et al.
U.S. Patent No. 6,812,265
Application No. 09/830,841
International
Filing Date: November 5, 1999
For: LIQUID COMPOSITION
POLYMERIZABLE INTO ORGANIC GLASSES
HAVING GOOD OPTICAL AND PHYSICO-
MECHANICAL PROPERTIES

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: Corrected
: Letter Regarding
: Extension of Patent Term
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The above-identified patent has been forwarded to the undersigned for correction of the information printed on the front page of the patent relating to the patent term extension provisions under 35 U.S.C. § 154(b)¹ and 37 CFR. § 1.701.

The Office proposes to issue a certificate of correction in order to rectify the error regarding the patent term extension information. See 35 U.S.C. 254 and 37 CFR 1.322. Patentee is given THIRTY (30) DAYS to respond to this letter. If no objection is received from patentee, the Office will issue a certificate of correction indicating that the patent term is extended for 330 days under 35 U.S.C. 154(b). This time limit is NOT extendible under 37 CFR 1.136.

The Notice of Allowance and Issue Fee Due mailed July 9, 2004, incorrectly indicated that the patent to issue from the application 09/830,841 was eligible for a 0 day extension when a 330 day extension is due. The front page of the patent incorrectly indicates that the term of the patent is extended for 0 days.

Issue of the above-identified application was delayed due to appellate proceedings before the Board of Appeals and Interferences, and the above-identified application has been allowed pursuant to a favorable decision by the Board.

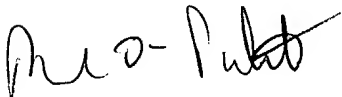
¹35 U.S.C. § 154 was amended by the "American Inventors Protection Act of 1999," which was enacted on November 29, 1999 as part of Public Law 106-113 (Consolidated Appropriations Act for Fiscal Year 2000). Since this amendment is effective May 29, 2000 and applies to applications filed on or after that date, the existing patent term adjustment provisions of 35 U.S.C. § 154 continue to apply to the above-identified application.

A Notice of Appeal was filed in the above-identified application on July 9, 2002. On September 30, 2003, the Board of Appeals and Interferences reversed the decision of the examiner in the above-identified application. Since the above-identified application was filed after June 7, 1995, there is no terminal disclaimer due to the issue of another patent claiming subject matter that is not patentably distinct from that under appellate review, and issuance of the application as a patent was delayed due to appellate review resulting in a reversal of an adverse decision of patentability, the patent to issue from the application is entitled to an extension of the patent term. The period of delay in the above-identified application is the period beginning on July 9, 2002, the date that the Notice of Appeal was filed, and ending on September 30, 2003, the date of the final decision in favor of the applicant. Three years after the International filing date of the application is November 5, 2002. Accordingly, the period of extension is required to be reduced pursuant to 37 CFR 1.701(d)(1) by the amount of time prior to three years after the filing date of the application. As a result, the period of extension is 330 days, the period from November 5, 2002 to September 30, 2003, including the beginning and end dates.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
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Telephone inquiries with regard to this communication should be directed to the undersigned at (571) 272-7709.



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